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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,023	05/25/2007	Rudiger Kittelmann	2133.137USU	6298
27623 7590 01/14/2008 OHLANDT, GREELEY, RUGGIERO & PERLE, LLP ONE LANDMARK SQUARE, 10TH FLOOR STAMFORD, CT 06901			EXAMINER SPECTOR, DAVID N	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,023

Applicant(s)

KITTELMANN ET AL.

Examiner

David N. Spector

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006 and 25 May 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-114 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 68-114 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0606/20060622</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 68-114 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 68-114 are rendered indefinite by the ambiguous phrase(s) "wherein an aperture angle of the light emerging from the optical arrangement is settable between a smaller aperture angle and a larger aperture angle based upon a change in the shape of the light [Emphasis Added] impinging on the optical arrangement and/or a change in the size of the light [Emphasis Added] illuminating the optical arrangement" (Claim 68, Lines 4-7) recited in applicants' sole independent claim. In particular, the "shape" and/or the "size" of a light are not generally used or understood to be physical properties thereof by those of ordinary skill in the art(s) to which the instant invention is most closely identified (e.g. optics, lighting technology, etc). Additionally, no definitions are provided in the instant disclosure for either "shape" or "size" in this context. As a result, the examiner can not determine the intended meaning of the ambiguous phrase(s) noted above. Claim 68 is therefore indefinite along with claims 69-114 which depend therefrom.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pond et al. (U.S. Patent No. 6,654,172 B2).

FOR EXAMINATION PURPOSES ONLY – In light of the examiner's rejection of independent claim 68 the phrase(s) "wherein an aperture angle of the light emerging from the optical arrangement is settable between a smaller aperture angle and a larger aperture angle based upon a change in the shape of the light impinging on the optical arrangement and/or a change in the size of the light illuminating the optical arrangement" (Claim 68, Lines 4-7) recited therein is not given patentable weight in what follows. Similarly,

the intended use of the claimed "optical arrangement" (e.g. "for a stepped lens spotlight") recited in the preamble of the claim is not given patentable weight.

Pond et al. discloses an optical arrangement for a stepped lens spotlight, comprising: a stepped lens **60** with a diffusing screen, the diffusing screen being arranged in a first region **61** and the stepped lens [rings/steps] is [are] arranged in a second region **40**, wherein an aperture angle of the light emerging from the optical arrangement is settable between a smaller aperture angle and a larger aperture angle based upon a change in the shape of the light impinging on the optical arrangement and/or a change in the size of the light illuminating the optical arrangement, and wherein the first **61** and second **40** regions in each case occupy concentrically arranged surfaces having different diameters. ([**0033**]; **FIG. 3A**). Claim 68 is therefore anticipated by Pond et al.

Objections - Specification

Title 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The disclosure is objected to because of the following informalities. The current disclosure appears to be a literal translation of a foreign-language document into the English language. It is replete with defects and errors that render its meaning unclear.

A few examples include: "architectonic illumination" (Page 2, Line 13); "change in the shape of the light impinging on the optical arrangement and/or the size of the light illuminating the optical arrangement" (Page 5, Line 24-26); "geometrically optical properties of the stepped lens" (Page 7, Line 20); "diameters 2RStl, 2RstrA" (Page 7, Line 32), compared to "diameter RStrA" (Page 9, Line 33), and to "diameter Rstrl" (Page 10, Line 4); "optically beam-shapingly effective" (Page 10, Line 19-20); "geometrically-optically effective" (Page 10, Line 24-25).

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors and defects. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Appropriate revisions/corrections are required, in proper idiomatic English, and in compliance with 37 CFR 1.52(a) and (b). The revisions/corrections filed must be accompanied by a statement that no new matter is incorporated or being introduced therein.

Other Remarks/Information

The rejections set forth in this Office action appear to be primarily engendered by the numerous defects and errors extant in the instant disclosure. For this reason, a finding regarding the patentability of the claimed invention will not be established until the intended meaning of the feature/limitation represented by the phrase, "wherein an aperture angle of the light emerging from the optical arrangement is settable between a smaller aperture angle and a larger aperture angle based upon a change in the shape of the light impinging on the optical arrangement and/or a change in the size of the light illuminating the optical arrangement" (Claim 68, Lines 4-7), recited in applicants' sole independent claim is established.

The International Search Report (PCT/ISA/210) and the International Preliminary Report on Patentability (PCT/IPEA/409) prepared by the European Patent Office for the parent application (PCT/EP2004/014642) for the instant National Stage application. All of the documents and other material cited in the PCT/ISA/210 and PCT/IPEA/409 have been considered by the examiner.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any other inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (571) 272-2338. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. The Official FAX number for the United States Patent and Trademark Office is (571) 273-8300.

January 10, 2008



David N. Spector
Primary Examiner
Art Unit 2873